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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 **KNIGHTS OF COLUMBUS,**

2:12-CV-688 JCM (VCF)

7 **Plaintiff(s),**

8
9 **v.**

10 **THE VIRGINIA TRUST, et al.,**

11 **Defendant(s).**
12

13 **ORDER**

14 Presently before the court is a motion for a certificate of appealability by defendants William
15 Crosby and Danny Hill. (Doc. # 146).

16 Pursuant to Federal Rule of Civil Procedure 56(b), a court may issue a certificate of
17 appealability regarding final judgment on individual claims in a multi-claim suit if (1) the claims to
18 be appealed are separable from others remaining to be adjudicated and; (2) if the nature of the claims
19 already determined is such that no appellate court would have to decide same issues more than once
20 even if there were subsequent appeals. *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8 (1980).

21 On January 23, 2014, the court granted summary judgment regarding the contractual claims
22 in this case, leaving only the issue of equitable estoppel pending. Indeed, the contractual claims
23 decided by the court are separable from the equitable estoppel claim, such that the appellate court
24 would not need to decide upon the former again if the latter were to be appealed. As such, precedent
25 and principles of efficiency dictate that a certificate of appealability can and should be issued at this
26 time regarding the contractual claims.

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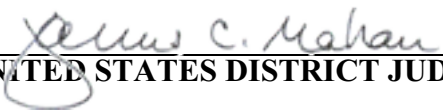
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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for a certificate of appealability (doc. # 146) be, and the same hereby is, GRANTED.

DATED February 24, 2014.


UNITED STATES DISTRICT JUDGE